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Subject Cover Page and US' Covenant From CFRB Past Costs
CD

Mark and Peggy: Attached are the cover page and page containing the U.S.' covenant not to sue from the Clark Fork River Basin past costs CD that I mentioned during our conference call this morning. Rich



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PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

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UNITED STATES OF AMERICA,
Plaintiff,
vs.
ATLANTIC RICHFIELD COMPANY,
Defendants.

No. CV-89-039-BU-SEH

CONSENT DECREE FOR SETTLEMENT OF REMAINING SITES PAST RESPONSE COSTS

13. Notwithstanding any other provision of this Section, the United States may, in its unreviewable discretion, waive payment of any portion of the stipulated penalties that have accrued pursuant to this Consent Decree.

VIII. COVENANTS AND RESERVATIONS BY THE UNITED STATES

14. United States' Covenant for Past Response Costs at the Remaining Sites for AR. In consideration of the payments that will be made by AR under the terms of this Consent Decree, and except as specifically provided in Paragraph 16 (United States' General Reservation of Rights as to AR), the United States covenants not to sue or to take administrative action against AR, and against AR's officers, directors and employees to the extent that the liability of such officers, directors and employees arises solely from their status as officers, directors and employees, for Remaining Sites Past Response Costs under Sections 107 and 113 of CERCLA, 42 U.S.C. §§ 9607, 9613. This covenant not to sue is conditioned upon the satisfactory performance by AR of its obligations under this Consent Decree. This covenant not to sue shall take effect upon the United States' receipt of all payments made by AR under Paragraph 6 of this Consent Decree and extends only to AR and AR's officers, directors and employees, and does not extend to any other person.

15. Covenant for Settling Federal Agencies. In consideration of the payments that will be made by the Settling Federal Agencies under the terms of this Consent Decree, and except as specifically provided in Paragraph 17 (EPA's General Reservation of Rights as to Settling Federal Agencies) of this Section, EPA covenants not to take administrative action against the Settling Federal Agencies pursuant to